

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 18-cr-150 (DWF/HB)

Plaintiff,

v.

Michael McWhorter (2),
Joe Morris (3),

**ORDER ON DEFENDANT
McWHORTER'S STIPULATION
TO EXTEND DEADLINES**

Defendants.

Pursuant to the Stipulation to Extend Deadlines (ECF No. 28), entered into by the Government and Defendant Michael McWhorter, seeking to extend certain pretrial deadlines, and having reviewed the Stipulation and the files and records herein,

IT IS HEREBY ORDERED that the Stipulation (ECF No. 28) is **APPROVED** and the pretrial deadlines are **EXTENDED** as follows as to both Defendants:

1. The government shall make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **December 31, 2018**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **December 31, 2018**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).
2. Defendant shall make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **January 7, 2019**.
3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 and Local Rule 12.1(c) on or before **January 14, 2019**. Two (2) courtesy copies of all motions and responses shall be sent directly to the office of Magistrate Judge Bowbeer.
4. **Counsel shall electronically file a letter on or before January 14, 2019, if no motions will be filed and there is no need for hearing.**

5. All responses to motions, along with a Notice of Intent to Call Witnesses, shall be filed by **January 28, 2019**, in accordance with Local Rule 12.1(c)(3)(A).
6. Any Responsive Notice of Intent to Call Witnesses shall be filed by **February 1, 2019**, in accordance with Local Rule 12.1(c)(3)(B).
7. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(b) and (c) if:
 - a. The government makes timely disclosures and the defendant pleads particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
8. If required, the motions hearing shall be held, in accordance with Local Rule 12.1(d), before Magistrate Judge Hildy Bowbeer on **February 13, 2019**, at **1:30 p.m.**, in **Courtroom 6B**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.
9. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT**, the following trial and trial-related dates are:
 - a. All voir dire questions and jury instructions shall be submitted to District Judge Donovan W. Frank on or before **February 25, 2019**; and
 - b. This case shall commence trial on **March 11, 2019**, at **9:00 a.m.** before District Judge Donovan W. Frank in Courtroom 7C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.
10. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Donovan W. Frank to confirm the new trial date.

IT IS FURTHER ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial. The period of time from

January 3, 2019, the original motion filing date, through **January 14, 2019**, the continued motion filing date, shall be excluded from the Speedy Trial Act computations in this case.

Dated: December 17, 2018

s/ *Hildy Bowbeer*

HILDY BOWBEER

United States Magistrate Judge